

**IN THE UNITED STATES THE BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

MOM CA Investco LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 25-10321 (BLS)  
(Jointly Administered)

**Re: Docket No. 89, 187**

**Hearing Date: April 22, 2025 @ 10:30 a.m. (ET)**

**PREFERRED BANK’S LIMITED OBJECTION TO DEBTORS’ MOTION FOR INTERIM  
AND FINAL ORDERS (I) AUTHORIZING DEBTORS TO OBTAIN POSTPETITION  
FINANCING; AND (II) GRANTING RELATED RELIEF**

Preferred Bank (“Preferred”), by and through its undersigned counsel, hereby files this limited objection (the “Objection”) to above-captioned Debtors’ Motion for Entry of Interim and Final Orders (i) Authorizing Debtors to Obtain Postpetition Financing; and (ii) Granting Related Relief (the “Motion”). [Docket No. 89] (the “Motion”). In support of the Objection, Preferred respectfully states as follows:

**BACKGROUND**

1. Preferred is owed two loans by Debtors and Debtors-in-Possession, Tesoro Redlands De, LLC and Aryabhata Group, LLC. For ease of reference as to the background, Preferred incorporates its prior objection to the Motion [Docket No. 108].

2. After business hours on April 15, 2025, Preferred’s counsel was provided with a draft of the DIP Credit Agreement.

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<sup>1</sup> The debtors in these chapter 11 proceedings, together with the last four digits of each Debtor’s federal tax identification number, are: MOM CA Investco LLC [6263], MOM AS Investco LLC [6049], MOM BS Investco LLC [6180], Retreat at Laguna Villas, LLC [2046], Sunset Cove Villas, LLC [9178], Duplex at Sleepy Hollow, LLC [9237], Cliff Drive Properties DE, LLC [0893], 694 NCH Apartments, LLC [0318], Heisler Laguna, LLC [4709], Laguna Festival Center, LLC [4073], 891 Laguna Canyon Road, LLC [0647], 777 AT Laguna, LLC [8715], Laguna Art District Complex, LLC [8316], Tesoro Redlands DE, LLC [2764], Aryabhata Group LLC [7332], Hotel Laguna, LLC [9580], 4110 West 3rd Street DE, LLC [8641], 314 S. Harvard DE, LLC [2057], Laguna HI, LLC [6408], Laguna HW, LLC [9470], The Masters Building, LLC [6134], and 837 Park Avenue, LLC [3229]. The debtors’ headquarters are located at 520 Newport Center Drive, Suite 480, Newport Beach, CA 92660.

**ARGUMENT**

3. The Credit Agreement is internally inconsistent at various points, creating automatic events of default immediately upon its execution, such as, for example, not including the liens of existing prepetition secured creditors in the term “Permitted Liens.”

4. Preferred is providing its comments to the Debtors, but submits this Limited Objection solely to preserve its rights given the expedited schedule of this matter. Preferred reserves the right to amend or supplement this Objection.

WHEREFORE, Preferred Bank respectfully requests that this Court deny the Motion as set forth herein and grant such other relief as is necessary and proper.

Dated: April 17, 2025

GELLERT SEITZ BUSENKELL & BROWN LLC

/s/ Michael Busenkell

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